

REMARKS

The present application includes pending claims 1, and 3-4. By this Amendment, claim 1 has been amended, while claims 17- 27 have been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 5-7 were rejected under 35 U.S.C. 112, second paragraph. Additionally, claims 5-7 were rejected under 35 U.S.C. 103(a). The Applicants previously cancelled claims 5-7 because the Examiner indicated, during a telephonic interview with David Z. Petty, that claims 1, and 3-4 may be in condition for allowance, but that claims 5-7 required further searching. *See* Amendment After Final, filed October 21, 2003. Thus, in order to expedite the issuance of a patent, the Applicants cancelled claims 5-7. At this time, however, claims 5-7 are not pending.

Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2,534,756 ("Corrado"), in view of United States Patent No. 3,601,296 ("Pick"). Corrado discloses a glazier's tool.

This invention relates to glazier's tools, and more particularly to a hand-operated glass-breaking tool adapted to remove a small block of glass from the edge of a previously cut section of plate glass. *See* Corrado at column 1, lines 1-5. The Corrado tool is a handheld device that is configured to be twisted. That is, in order to remove the glass, the tool of Corrado is twisted:

One object of the present invention is to provide a glass breaking tool of the above nature in which the block is removed from the plate glass by a *twisting action* of said tool. *See id.* at column 1, lines 6-10 (emphasis added).

By *twisting* the handle in the direction of the arrows, as shown in Figs. 1 and 3, the glass block 23 will be easily broken away leaving a notch 24 in the edge of the glass 21.

See id. at column 2, line 54 to column 3, line 2.

Corrado, however, does not teach, nor suggest, that “the force applied to said handle is applied in a downward direction,” as recited in claim 1, as amended, of the present application. Rather, as discussed above, Corrado discloses a tool that is twisted in order to break glass.

Additionally, the Applicants respectfully submit that the tool of Corrado does not teach, nor suggest, “a slotted plate,” as recited in claim 1. Instead, Corrado discloses a “metallic tool shank 13,” which, as clearly shown in Figures 1, 3, and 5 of Corrado, is not a plate. In fact, Corrado states, “The numeral 13 indicates generally a ***triangular metallic tool shank***....” *See id.* at column 2, lines 2-5 (emphasis added). Thus, the Applicants respectfully submit that Corrado does not teach, nor suggest, a “slotted ***plate***,” as recited in claim 1 of the present application.

Pick discloses a system having “strain gauges” 91 and 92 that are affixed to metal shims 102 and 103.

Specifically, a downward pressure on elastomeric pad 86 will result in the compression of the resistance elements 104 and 105 and the placement in tension of the corresponding resistance elements on the bottom surface of the strain gauges 91 and 92.

See Pick at column 4, lines 48-52. As shown in Figure 2 of Pick, for example, the elements 91 and 92 are not attached to a handle.

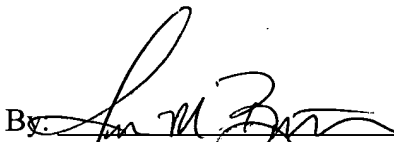
Overall, the combination of Corrado and Pick does not teach, nor suggest, that the “force applied to said handle is applied in a downward direction,” nor a “slotted plate” as recited in claim 1. Thus, at least for these reasons, claims 1 and 3-4, which depend from claim 1, should be in condition for allowance.

The Applicants respectfully submit that new claims 17-27 are allowable over the art of record. No fee is believed due with respect to the new claims because the present application includes less than 20 total claims and only 3 independent claims.

In light of the above, the Applicants request reconsideration of the application and look forward to working with the Examiner to resolve any remaining issues in the application. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited to contact the Applicants. The Commissioner is authorized to charge any necessary fees or credit any overpayment to Applicants' Deposit Account 07-0845.

Respectfully submitted,

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